

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ART SHY, et al.

Plaintiffs,

v.

NAVISTAR INTERNATIONAL
CORPORATIONAL, et al.

Defendants.

Case No. C-92-cv-00333
Judge Walter Herbert Rice

SUPPLEMENTAL BENEFIT
COMMITTEE OF THE NAVISTAR
INTERNATIONAL TRANSPORTATION
CORP. RETIREE SUPPLEMENTAL
BENEFIT PROGRAM,

Intervenor-Plaintiff,

v.

NAVISTAR INTERNATIONAL
CORPORATION,

Defendant.

**AMENDED MOTION OF THE
SUPPLEMENTAL BENEFIT COMMITTEE OF THE NAVISTAR INTERNATIONAL
TRANSPORTATION CORPORATION RETIREE SUPPLEMENTAL BENEFIT
PROGRAM TO ENFORCE THE SETTLEMENT AGREEMENT**

COMES NOW, the Supplemental Benefit Committee of the Navistar International Transportation Corporation Retiree Supplemental Benefit Program (the "Committee"), by and through its undersigned counsel, and hereby amends its Motion to Enforce the Settlement Agreement, Dkt. No. 395, filed March 26, 2012. In the previously-filed Motion, the Committee sought to compel Defendant, Navistar International Corporation ("Navistar"), to respond to

various requests for information that were identified by the Committee in attachments to its Memorandum in Support of the Motion to Enforce. *See* Dkt. No. 395-1, Attachments D and F, filed March 26, 2012. Navistar has filed no substantive response to the Motion and has still not responded to the prior requests.

On May 3, 2012, the Chair of the Committee sent Navistar a letter pointing out that Navistar was by that date more than thirty days delinquent in providing the annual accounting required by the Settlement Agreement. A copy of that letter is attached as Exhibit A to this Amended Motion. To date, Navistar has provided no response to the Committee's May 3 letter, much less the report, which is now more than two months overdue.

Accordingly, the Committee now amends its Motion to Enforce the Settlement Agreement to request that the Court add the annual report that was due March 31, 2012, and the Committee's letter of May 3, 2012, to the list of Committee requests that Navistar should be compelled to answer.

Dated: June 14, 2012

Respectfully Submitted:

/s/ Edward A. Scallet_____

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record:

/s/ Edward A. Scallet
Edward A. Scallet